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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,898	12/21/2006	Gert Anders	2003P12785WOUS	2978
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EXAMINER JIANG, CHARLES C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,898

Applicant(s)

ANDERS ET AL.

Examiner

CHARLES C. JIANG

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection. Specifically, the applicant has introduced new claim limitations, such as "the automatic components lacking internet mechanisms", which necessitates a new ground of rejection.

Response to Amendment

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-16, 19-22, 25-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Daffner, US2002/0120671.

4. As per claim 15, Daffner teaches a system for using services provided by a communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet, Paragraphs 5, 7-10), the system comprising: a communication network (Daffner, Fig. 1, Element, PSTN/Internet) having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet); at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, 4 represent the automation components, Paragraphs 41) connected by a conventional field bus (Daffner, Fig. 1, Element 5, Paragraph 41), the automation

components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line); and a service access unit for connecting the conventional field bus to the communication network (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42), wherein the service access unit operates as a client for requesting the services (Daffner, Fig. 1, Elements 1, 8, and 10, Paragraph 47) and includes a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by the field bus (Daffner, Paragraphs 8-10 and 42), thereby permitting the automation components to access internet mechanisms of the communication network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9).

5. As per claim 16, Daffner teaches the system according to claim 15, wherein the service access unit is integrated into the automation system (Daffner, Fig. 1, Elements 1 and 7, Paragraphs 41 and 42).

6. As per claim 19, Daffner teaches the system according to claim 15, wherein the communication network is an intranet (Daffner, Paragraph 20, private network is intranet).

7. As per claim 20, Daffner teaches the system according to claim 15 (previously discussed), wherein the service access unit is configured to provide further services in the communication network (Daffner, Paragraph 48).

8. As per claim 21, Daffner teaches a method for using services provided in at least one communication network (Daffner, Fig. 1, Elements 1, 8 and PSTN/Internet,

Paragraphs 5, 7-10) having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet) and at least one automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) comprising automation components (Daffner, Fig. 1, Elements 2, 3, 4 represent the automation components, Paragraphs 41) connected by a conventional field bus (Daffner, Fig. 1, Element 5, Paragraph 41), the method comprising: connecting the conventional field bus to the communication network by a service access unit (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line); adapting a first communication protocol used by the services to a second communication protocol used by the field bus by a protocol converter included in the service access unit (Daffner, Paragraphs 8-10 and 42), thereby permitting the automation components to access internet mechanisms of the communication network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9); and accessing the services by the automation components using the service access unit as a client (Daffner, Fig. 1, Elements 1, 8, and 10, Paragraph 47).

9. As per claim 22, Daffner teaches the method according to claim 21 (previously discussed), wherein the service access unit is integrated into the automation system (Daffner, Fig. 1, Elements 1 and 7, Paragraphs 41 and 42).

10. As per claim 25, Daffner teaches the method according to claim 21, wherein the communication network is an intranet (Daffner, Paragraph 20, private network is intranet).

11. As per claim 26 Daffner teaches the method according to claim 21 (previously discussed), wherein the service access unit provides further services in the communication network (Daffner, Paragraph 48).

12. As per claim 28, Daffner teaches a service access unit for connecting (Daffner, Fig. 1, Elements 1, 5 and 7, Paragraph 42) an automation system (Daffner, Fig. 1, Elements 1-7 represent the automation system, Paragraphs 41 and 42) having automation components (Daffner, Fig. 1, Elements 2, 3, 4 represent the automation components, Paragraphs 41) to a communication having internet mechanisms (Daffner, Fig. 1, Element, PSTN/Internet), comprising: a protocol converter for adapting a first communication protocol used by the services to a second communication protocol used by a conventional field bus (Daffner, Fig. 1, Element 1, 5, 7, Paragraphs 8-10 and 42), the automation components lacking internet mechanisms (Daffner, Paragraphs 10, 11, and 42, components 2, 3 and 4 are heat sensors and do not have ability to go on-line), the conventional field bus connecting the automation components (Daffner, Fig. 1, Element 5, Paragraph 41), wherein the service access unit is configured as an internet client or an intranet client for requesting the services (Daffner, Fig. 1, Elements 1, 8, and 10, Paragraph 47) and permitting the automation components to access internet mechanisms of the communication network (Daffner, Fig. 1, Elements 1 and 7, Paragraph 42-47, data retrieved from Elements 2-4 are forwarded to Elements 8, 9).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 17, 18, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671, in view of Aupperle, US 2003/0051027.

16. As per claim 17, Daffner teaches the system according to claim 15, wherein the communication network has at least one central register database for providing information about at least part of the services (Daffner, Fig. 1, Element 10, Paragraph 48), and the service access unit includes ...

17. Daffner do not teach ... a search engine for searching the central register database. However, Aupperle teaches ... a search engine for searching the central register database (Aupperle, Fig. 5, Element 540, Paragraph 92, Fig. 9, Elements 940-970, Paragraph 105).

18. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Aupperle into Daffner. Since Daffner suggests a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Aupperle also suggests internet communication, in particular, a system and a method for querying a search engine for internet based services and obtaining results in return, deriving the benefit of providing a remote user information, which the user is interested in (Aupperle, paragraph 4) in the analogous art of internet communication on a personal computing device.

19. As per claim 18, Daffner teaches the system according to claim 15, wherein the services are web services (Aupperle, Fig. 5, Elements 540, 550, and Fig. 8, Search Results, where online cinema and online bingo are the web service).

20. As per claim 23, Daffner teaches the method according to claim 21, further comprising: providing at least one central register database having information about at least part of the services (Daffner, Fig. 1, Element 10, Paragraph 48), ... when accessing the services (previously discussed).

21. Daffner does not teach ... and searching the central register database by a search engine included in the service access unit ... However, Aupperle teaches ... and searching the central register database by a search engine included in the service access unit (Aupperle, Fig. 5, Element 540, Paragraph 92, Fig. 9, Elements 940-970, Paragraph 105) ...

22. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Aupperle into Daffner. Since Daffner suggests a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Aupperle also suggests internet communication, in particular, a system and a method for querying a search engine for internet based services and obtaining results in return, deriving the benefit of providing a remote user information, which the user is interested in (Aupperle, paragraph 4) in the analogous art of internet communication on a personal computing device.

23. As per claim 24, Daffner teaches the method according to claim 21 (previously discussed), wherein the services are web services (Aupperle, Fig. 5, Elements 540, 550, and Fig. 8, Search Results, where online cinema and online bingo are the web service).

24. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daffner, US2002/0120671, in view of Moran, US 2003/0083941.

25. As per claim 27, Daffner teaches the method according to claim 21 (previously discussed), wherein the services include ...

26. Daffner does not teach ... executing a software update of at least one of the automation components. However, Moran teaches ... executing a software update of at least one of the automation components (Moran, Fig. 12, Elements 1203- - 1260, Paragraph 103).

27. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Moran into Daffner. Since Daffner suggests a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Moran also suggests internet communication, in particular, updating a device driver automatically through the use of internet, hence providing the benefit of remotely delivery of computing solutions in the analogous art of internet communication on a personal computing device.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES C. JIANG whose telephone number is (571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 517-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. J./
Examiner, Art Unit 2416

/William Trost/
Supervisory Patent Examiner, Art Unit 2416